

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 2374 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No.

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

GSRTC

Versus

PRABHUBHAI NARAYAN PISEY

Appearance:

MRS VASAVDATTA BHATT for Petitioner

MR ZUBIN F BHARDA for Respondent No. 1

CORAM : MR.JUSTICE M.C.PATEL

Date of decision: 13/04/98

ORAL JUDGEMENT

By consent the appeal is taken up for final hearing today.Respondent No.2 is ordered to be deleted.

Respondent No.1 had filed MACP No.287/88 in the Tribunal at Navsari claiming compensation for injury suffered by him in a road traffic accident involving an S.T.Bus. The Tribunal by its judgment dated 2.4.1997 held that the driver of the S.T. bus was guilty of negligence and awarded Rs.50,000/- as compensation to the claimant with proportionate costs and interest at the rate of 12 per cent from the date of petition till realisation. The appellant-Corporation has challenged the said award by filing this appeal. However, in the appeal the challenge to the award is restricted to Rs.20,000/-.

After hearing the learned Advocates for the parties and going through the judgment of the Tribunal and considering the amounts awarded by the Tribunal under different heads, I am of the opinion that the award made by the Tribunal should be reduced by Rs.7,000/-. Accordingly, the award made by the Tribunal is ordered to be reduced by Rs.7,000/-, with the result that the claimant shall be entitled to Rs.43,000/- with proportionate costs and interest at the rate of 12 per cent per annum from the date of the petition till the date of payment. The award of the Tribunal shall stand modified accordingly.

By previous order dated 9.12.1997 passed on Civil Application No.7082/97, the amount of Rs.30,000/- with interest thereon was ordered to be disbursed and the claimant was permitted to withdraw Rs.10,000/- in cash and the rest of the amount was to be invested in any nationalised Bank as deemed fit by the Tribunal. If this order has not been complied with so far, the Tribunal shall comply with the same. Out of the rest of the amount which becomes payable to the claimant by virtue of this judgment Rs.10,000/- shall be paid to the claimant by cheque and the remaining amount shall be invested in the name of the claimant in fixed deposit in any nationalised Bank for a period of five years. No loan or withdrawal shall be permitted. However, the claimant will be entitled to withdraw periodical interest becoming due on the deposit.

The appeal is accordingly disposed of.
